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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/203,375	12/02/1998	NORBERT WEGNER	81395-72	4110

7590

06/17/2003

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CANADA

EXAMINER

PHAM, BRENDA H

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 06/17/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

# Office Action Summary

Application No.

09/203,375

Applicant(s)

WEGNER et al

Examiner

PHAM

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 30, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### DETAILED ACTION

1. This correspondence is in response to the applicant's response filed 5/30/2002. Claims 1-25 are currently pending. The Declaration pursuant to 37 C.F.R. § 1.131 has been considered. Claims 1-25 are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 9, 11-15, 22-23 are rejected under 35 USC 102(b) as being anticipated by **Chou et al** (US 5,367,534), hereinafter referred to as **Chou**.

Regarding claims 1, 9, 13 and 14, **Chou** discloses a method of controlling the flow of data units across a bus bridge, comprising: detecting operational states of the bridge; disabling load access to the bridge when a first predefined operational state exists at the bridge; and enabling load access to the bridge when a second predefined operational state exists at the bridge (fig. 2).

Regarding claims 2 and 15, **Chou** further teaches wherein detecting operational states of the bridge includes detecting as said first predefined operational state (step 211) the presence of a predefined number of data units stored in the bridge and detecting as said second predefined operational state (step 215) fewer than said predefined number of data units stored in the bridge (figure 2).

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Regarding claims 11 and 22, **Chou** further teaches wherein disabling includes disabling access to the bridge until a data unit is unloaded from the bridge.

**Chou** teaches "When the quantity of data signals stored in the buffer is less than the minimum threshold, the buffer 111 informs the control circuit 120 of this second condition via the path 115. In response, the control circuit 120 again applies the clock signal to the terminal, thereby restoring the flow of data signal from the terminal to the modem via the path 107." (col. 2, lines 20-27).

Regarding claims 12 and 23, **Chou** furthermore teaches wherein disabling includes signaling at least one device on a bus in communication with the bus bridge to indicate that load access to the bridge will not be granted.

**Chou** teaches "the buffer 111 is arranged to compare the quantity of data signals stored therein with a maximum threshold and a minimum threshold. When the quantity of data signals stored in the buffer exceeds the maximum threshold, the buffer 111 informs the control circuit 120 of this first condition via the path 113. In response, the control circuit 120 removes the clock signal 109 from the terminal, thereby interrupting the flow of data signals from the terminal." (col. 1, lines 5-13).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 3-5, 16-17 and 24-25 are rejected under 35 USC 103(a) as being unpatentable over **Chou et al** (US 5,367,534) in view of **Dunstan et al** (US 5,560,022), hereinafter referred to as **Dunstan**.

Regarding claims 3-5, as explained in the rejection statement of claims 1, **Chou** discloses all the claim limitations recited in claims 1 and 2 (parent claim).

**Chou** does not teach wherein detecting operational states includes monitoring activity on each bus connected to the bridge, wherein monitoring includes monitoring signals on each bus connected to the bridge.

**Dunstan**, in the same field of endeavor, teaches these limitations.

**Dunstan** teaches "The host/PCI bus bridge 25 monitors the host bus 20 and the PCI bus lines 31 and 32 and determines whether a transaction is designated for the computer system's main memory system 18 or whether a CPU request should be propagated down the hierarchy of buses" (col. 5, lines 7-10).

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement a step of monitoring the bus, such as taught by **Dunstan**, in **Chou** to forward the packet to the destination so the bus is not subjected to unnecessary traffic.

6. Claims 6-8, 10 and 18-20 are rejected under 35 USC 103(a) as being unpatentable over **Chou et al** (US 5,367,534) in view of **Yang et al** (US 6,097,698), hereinafter referred to as **Yang**.

Regarding claims 6-8 and 18-20, as explained in the rejection statement of claims 1-2, **Chou** discloses all the claim limitations recited in claims 1 and 2 (parent claim).

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**Chou** does not teach a counter incremented by the bridge monitor when a data unit is loaded to the bridge and decremented by the bridge monitor when a data unit is unload from the bridge.

**Yang**, in the same field of endeavor, teaches these limitations.

**Yang** teaches "When a cell CELL(I) is loaded into the buffer portion 32(o), the control element 35 will increment the buffer occupancy counter 50, and when a cell CELL (I) is removed from the buffer portion 32 (o) for transmission over the output communication link 43, the control element 35 will decrement the buffer occupancy counter 50." (col. 7, lines 62-67).

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement a counter in Chou to identify the number of cells that are buffered in the buffer at any point in time for determine the occupancy level of the buffer.

Regarding claim 21, **Chous** further teaches wherein said control circuit is operable to disable load access to the bridge when said counter reaches said predefined number.

**Chou** teaches "the buffer 111 is arranged to compare the quantity of data signals stored therein with a maximum threshold and a minimum threshold. When the quantity of data signals stored in the buffer exceeds the maximum threshold, the buffer 111 informs the control circuit 120 of this first condition via the path 113. In response, the control circuit 120 removes the clock signal 109 from the terminal, thereby interrupting the flow of data signals from the terminal." (col. 1, lines 5-13).

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***Conclusion***

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

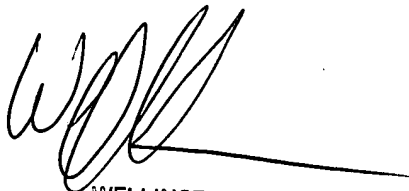
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (703) 308-0148. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Brenda Pham  
June 12, 2003



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